

FILED

DEC 19 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAM PEREZ,

Petitioner,

v.

MARION E. SPEARMAN, Warden,

Respondent.

No. C 14-04286 BLF (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner currently incarcerated at the Correctional Training Facility in Soledad, California, proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state conviction.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d). However, Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). The petition indicates that Petitioner was convicted in Fresno County, (Pet. at 1), which lies within the venue of the Eastern District of California. *See* 28 U.S.C. 84(b).

Accordingly, the above-titled action is hereby TRANSFERRED to the United

1 States District Court for the Eastern District of California. *See* 28 U.S.C. §§
2 1404(a), 2241(d); Habeas L.R. 2254-3.

3 The Clerk shall transfer this matter and terminate any pending motions.

4 **IT IS SO ORDERED.**

5
6 DATED: Dec 19, 2014


BETH LABSON FREEMAN
United States District Judge